

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**MAHMOOD GUILANI,
Plaintiff,**

V.

**CHASE INVESTMENT SERVICES
CORP. and THOMAS MCNAIRY,
Defendants.**

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C.A. NO. 5:11-CV-00059-HLH

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE
TO DESIGNATE TESTIFYING EXPERT WITNESSES**

TO THE HONORABLE JUDGE HARRY LEE HUDSPETH:

NOW COMES MAHMOOD GUILANI, Plaintiff in the above-styled and numbered cause, and files this Unopposed Motion for Leave to Designate Testifying Expert Witnesses. In support of this Motion, Plaintiff respectfully shows the Court the following:

1. This Court's Scheduling Order of March 15, 2011 states that parties asserting claims for relief were to have designated testifying experts pursuant to the requirements of FED. R. CIV. P. 26(a)(2)(B) by June 14, 2011. The Scheduling Order further states that parties resisting claims must designate testifying experts by July 15, 2011.
2. Because of counsel for Plaintiff's busy litigation schedule, as well as construction, demolition and extensive remodeling of counsel's law offices, Plaintiff inadvertently failed to designate his testifying experts on or before the above-noted deadline. Accordingly, Plaintiff now seeks leave to designate his testifying expert witnesses pursuant to the requirements of FED. R. CIV. P. 26(a)(2)(B).

3. Defendants will not be prejudiced by the late designation of any testifying experts due to the fact that their deadline for designation of testifying experts has not yet passed, and no depositions have yet been taken in this case. Toward this end, while conferring with counsel for Defendants regarding the substance of this Motion, it was agreed that, if the Court is inclined to extend Plaintiff's deadline, Plaintiff would not oppose an extension of Defendants' deadline for the designation of testifying experts until thirty (30) days after Plaintiff's new deadline. Accordingly, Plaintiff seeks leave from this Court to designate his testifying experts, and has included a proposed Order that extends both parties' deadlines for the designation of testifying experts. Plaintiff's request for leave is filed not for purposes of delay, but so that justice may be done.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that the Court grant him leave to designate testifying expert witnesses within five (5) days of the Court's ruling on this Motion, and that Defendants' deadline be appropriately extended as set forth in the proposed Order, attached. Plaintiff further requests such other and further relief, in law or equity, to which he may be justly entitled.

Respectfully submitted,

By: /s/Glenn D. Levy
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ATTORNEY FOR PLAINTIFF
MAHMOOD GUILANI

CERTIFICATE OF CONFERENCE

As set forth in the body of this Motion, counsel for Plaintiff conferred with counsel for Defendants. The parties agreed that, if the Court is inclined to extend Plaintiff's deadline to designate his testifying experts, Plaintiff would not oppose an extension of Defendants' deadline to designate testifying experts until thirty (30) days following Plaintiff's new deadline. Accordingly, a proposed Order reflecting these extended deadlines is attached herewith for the Court's review and consideration.

By: /s/Glenn D. Levy
Glenn D. Levy

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of July, 2011, this document was properly served on all counsel of record via electronic filing in accordance with the United States District Court, Western District of Texas Procedures for Electronic Filing.

/s/Glenn D. Levy
Glenn D. Levy